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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,141	05/30/2000	Teruhiko Kori	450100-02564	1297

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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

ZAND, KAMBIZ

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

7/11

Office Action Summary

Application No.

09/580,141

Applicant(s)

KORI ET AL.

Examiner

Kambiz Zand

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-24, 26, 27, 29-31 and 34-42 is/are rejected.
- 7) ☒ Claim(s) 7, 8, 25, 32 and 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this section can be found in the prior office action.
2. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.
3. Claims 1-42 are pending.
4. Examiner withdraws objection to the drawings and specification due to correction by the applicant.

Response to Arguments

5. Applicant's arguments filed 04/30/04 have been fully considered but they are not persuasive.
- In response to applicant's arguments, that Davis does not disclose the recitation "superimposing information ...of start of andindicative of an end ofas electronic watermark", Examiner refers Applicant to col.8, lines 34-59 for more detailed disclosure where the watermark detector can identify a particular frame such as frame I in MPEG video. It is inherent in the art that a frame has a start and an end point. Davis refers to the range. Range has a start and end point.

Therefore the detector is able to detect the start and the end of a frame of watermark in order to calculate a range.

- In response to applicant's arguments, that Davis does not disclose the recitation "determining completion of copying.." as recited in the claim 1, Examiner refers Applicant to col.6, lines 30-37 where Davis disclose a control flag that determines the number of copy completion that has to be done. Therefore for the control flag to determine the numbers of copying it has to determine the completion of copying in order to permit further coping or not.

Claim Rejections - 35 USC § 102

6. **Claims 1-6, 9-24, 26-31 and 34-42** are rejected under 35 U.S.C. 102(e) as being anticipated by Davis et al (6,611,607 B1).

As per claims 1, 4, 11, 16, 21, 23, 27, 30, 36 and 40 Davis et al (6,611,607 B1) teach superimposing information as electronic watermark where the start and end portion of the content is embedded and when copying and recording, it is based on the detection of the superimposed information that contains the start and the end of the content imposed or embedded in the signal and therefore creating a copy management procedures (see abstract; col. 4, lines 14-67; col.5-6, lines 60 where on lines 16-27 of col.6 refers to time of the content that means an start and an ending to the time of the content). Also see entire Davis's content for detailed description of the above limitations.

As per claims 2-3, 5-6, 9, 10, 12-15, 17-20, 22, 24, 26, 28-29, 31, 34-35, 37-39 and 41-42 Davis et al (6,611,607 B1) teach embedding control information as electronic watermark information where the recording and copying is being done by detection of the superimposed control information on the signal (see col.5, lines 47-67; col.6, lines 1-15); adding identification information to the content information by watermarking and copying by detection of the identification information with respect to the corresponding information such as music (see col.6, lines 5-9 where the owner name may be embedded or col.5, lines 14-27 where the title of the content as an identification of the content may be used for watermarking); and the watermarking of the number of copy count is superimposed by watermarking (see col.6, lines 30-37); and where the updating of the copy control history is recorded (see col.6, lines 30-59); and where the identification information is a piece of music indicated by title (see col.5, lines 14-47).

Allowable Subject Matter

7. Claims 7, 8, 25, 32 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (703) 306-4169. The examiner can normally be reached on Monday-Thursday (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703) 305-1830. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see

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<http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kambiz Zand

05/17/04


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100